



Requirements of the New Vessel General Permit

WSPA Meeting

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EPA Region 9





CLEAN WATER ACT (CWA)

- “Discharge of a pollutant” generally prohibited without a permit [CWA § 301(a)]
- National Pollutant Discharge Elimination System (NPDES) Permits [CWA § 402]
 - Individual permits
 - General permits
 - Permit term not to exceed 5 years
 - State authorization (46 States and authorized territories)
 - For EPA-issued permits, State 401 certification and CZMA concurrences required



CWA Implementing Regulations

- For 35 years . . .
 - Regulations excluded “discharges incidental to the normal operation of a vessel” while operating as a means of transportation from NPDES permitting (40 CFR 122.3(a))





2003 Lawsuit

Northwest Environmental Advocates

- What has changed . . .
 - Lawsuit successfully challenged regulatory exclusion
 - 2006 Court decision – as of:
 - February 6, 2009*, the permit exclusion for discharges incidental to the normal operation of a vessel is gone



*Effective date extended twice – first from September 30, 2008 and then from December 19, 2008.



Congressional Action

July 2008

- Clean Boating Act of 2008 (July 29, 2008) – provides that discharges from the normal operation of a recreational vessel are not subject to NPDES permitting.
- Senate bill S. 3298 (July 31, 2008) - For discharges other than ballast water, bill provides a 2-year moratorium on NPDES permitting for discharges from all commercial fishing vessels (regardless of length) and non-recreational vessels less than 79 feet.





Statutory Exclusions (Unaffected by Lawsuit)

- CWA permits not required for . . .
 - Vessels operating as a means of transportation beyond limit of 3 mile territorial sea (CWA section 502(12)(B))
 - Sewage (blackwater) from vessels or discharges incidental to the normal operation of vessels of the Armed Forces within the meaning of CWA section 312 (CWA 502(6)(A))
 - For commercial vessels operating in the Great Lakes, this includes graywater





And the Bottom Line . . .

- All vessels with discharges of pollutants incidental to their normal operation into U.S. territorial sea or inland waters (and not excluded by the July 2008 Congressional action) will need permit coverage by February 6, 2009
 - Commercial vessels: about 70,000
- Not limited to ballast water discharges, but includes other discharges incidental to normal operations
 - 26 Discharges in the final permit





VESSEL GENERAL PERMIT (VGP) ISSUANCE

- June 17, 2008 - Federal Register notice (73 FR 34296)
 - Proposed for public comment two draft NPDES general permits for discharges incidental to normal operation of vessels: the Vessel General Permit and the Recreational Vessel General Permit.
- December 18, 2008 – final VGP issued (Federal Register notice on December 29, 2008 (73 FR 79473))
 - Final VGP covers:
 - Except for ballast water (discussed below), permit covers discharges from all commercial vessels 79 feet or longer except commercial fishing vessels.
 - For ballast water discharges, permit covers all commercial vessels, including all commercial fishing vessels and vessels less than 79 feet.
 - The Recreational Vessel General Permit was not finalized due to the July 2008 Congressional action.



Requirements for other Vessels Not Covered by the VGP

- For recreational vessels, Clean Boating Act of 2008 (July 29, 2008) requires that EPA:
 - Determine discharges for which best management practices are reasonable and practicable
 - Promulgate performance standards
 - Coast Guard promulgates final regulations
- For commercial vessels less than 79 feet, Senate bill S. 3298 (July 31, 2008) provides:
 - During 2-year permitting moratorium, EPA will study the discharges and submit a report to Congress



Permit Overview

- Initial Issuance of Vessel General Permit (VGP) is national* in scope
 - There are additional state specific requirements issued via the 401 certification process
- No EPA fees for the VGP
- Jurisdiction of the permit covers inland waters and 3 nautical mile (nm) Territorial Sea
 - *Alaska and Hawaii not included in the permit at this time, but will be added as soon as possible



VGP Structure

- Part 1 – Coverage under the Permit
 - (General Information and Standard Requirements)
- Part 2 – Effluent Limits and Related Requirements
- Part 3 – Corrective Actions
- Part 4 – Inspections, Monitoring, Reporting, and Recordkeeping
- Part 5 – Vessel Class Specific Requirements
- Part 6 – State 401 certification conditions
- Part 7 – Definitions
- Appendices





VGP – Obtaining Coverage

- For most CWA general discharge permits, permittees must file Notices of Intent (NOIs) to obtain coverage.
- Notice of intent (NOI) required by September 19, 2009 for vessels:
 - Greater than or equal to 300 gross tons; or
 - Have a ballast water capacity of at least 8 cubic meters
 - Begin submitting NOIs about June 19, 2009 when electronic NOI system expected
- All other vessels are granted coverage without submitting an NOI.





VGP Effluent Limits

- Technology-Based Effluent Limits applicable to all vessels
- Technology-Based Effluent Limits for specific discharge types
 - 26 discharge types listed
- Water Quality-based Effluent Limits (WQBELs)





VGP: Effluent Limits Applicable to all Vessels

Currently 5 Effluent Limits that apply to all vessels:

- Material Storage
- Toxic and Hazardous Materials
- Fuel Spills and Overflow
- Discharges of Oil and Oily Mixtures
- Compliance with other Regulations and Statutes

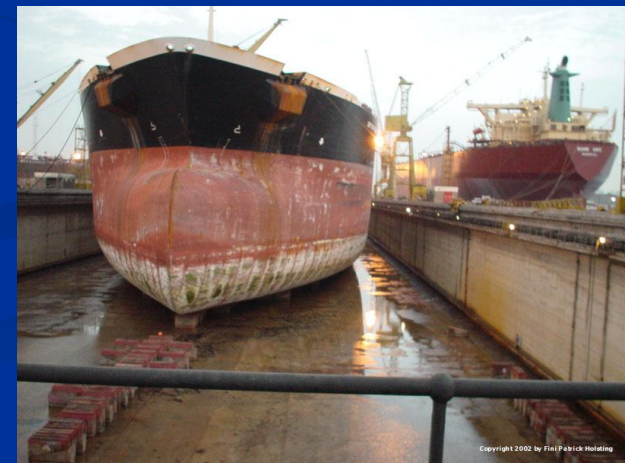




Discharge-Specific Effluent Limits



- 26 discharges identified, each with at least one BMP associated with the discharge
 - Ballast Water, Bilgewater, AFFF, Hull Leachate, Graywater, Underwater Husbandry. . .
- Discharges identified in UNDS*, from MARAD, from other government and technical literature, and from public comment
 - *Uniform National Discharge Standards for Armed Forces Vessels





Select Discharge Specific Limits:

(list not inclusive)

- Must use phosphate-free and non-toxic soaps for any activities where effluent will be discharged (i.e. deck washdown)
- Certain discharges (those EPA identified as being able to turn on or off) may not be discharged in waters federally protected for conservation purposes (i.e. National Marine Sanctuaries, National Wildlife Refuges)
- Minimize introduction of kitchen oils to graywater systems
- The anchor chain must be carefully and thoroughly washed down (*i.e.*, more than a cursory rinse) as it is being hauled out of the water to remove sediment and marine organisms





WQBELs

- Each permittee must control its discharge as necessary to meet applicable water quality standards
- Additional conditions given via the State 401 certification process (Part 6 of the Permit)





VGP Corrective Actions

(Required Permit Conditions)



- Exceedance of an effluent limit is a permit violation
- The permit requires the permittee to take corrective action when they become aware of a violation
- Failure to take corrective action within specified time period is a permit violation
- Corrective Actions must be taken:
 - Minor changes: within two weeks
 - Major changes (requiring new parts): within three months
 - Major Renovations: before relaunching from the next drydocking (approximately 5 year cycle)



Inspections and Monitoring

- Self inspections
 - Routine visual inspections
 - Ensure areas are clear of garbage, exposed raw materials, oil, and other pollutants and constituents of concern and to ensure that pollution prevention mechanisms are in proper working order
 - Annual vessel inspections are more comprehensive, and must focus on areas likely to generate harmful pollution or violate effluent limits. Examples include:
 - Visible portions of vessel hull for attached living organisms, flaking antifoulant paint, exposed TBT surfaces, and
 - Chain locker for both sediment and living organisms. . .
 - Dry dock Inspection:
 - More comprehensive than annual inspection: only required in coordination with dry docking (does not mandate additional dry docking).
- Analytical monitoring for select cruise ships and vessels with experimental ballast water treatment systems





Recordkeeping and Reporting

- Recordkeeping
 - Records must include owner and voyage information, additional maintenance & discharge information, certification, safety exemptions claimed, and any monitoring or inspection results
- Reporting required for Ballast Water Release (to Coast Guard), spills that endanger health or welfare, or spills of oily materials
- One-time report for all vessels (30-36 months after obtaining permit coverage)
- Discharge monitoring reports for select cruise ships and vessels with experimental ballast treatment systems

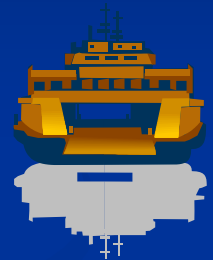
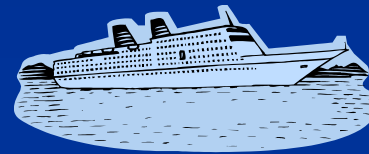




Vessel Class-Specific Requirements

Currently 8 classes or types:

- Medium Cruise Ships
- Large Cruise Ships
- Large Ferries
- Oil or Petroleum Tankers
- Barges
- Research Vessels
- Emergency Vessels
- Vessels with
Experimental Ballast
Water Treatment Systems





Oil Tanker Requirements

- Effluent from inert gas scrubbers and deck seals associated with inert gas system authorized.
- Additional effluent limits
 - plug scuppers during cargo loading and unloading
 - Minimize discharges from inert gas scrubbers
- Additional inspections for sheens after loading/unloading and after deck washing
- Education and training requirements





401 Certification Requirements

- Vary from State to State – 28 States, Tribes, and Territories added additional conditions.
- Not every state added additional conditions
- List of conditions available in Part 6 of the Permit
- We highly recommend permittees read each state's conditions in which its vessels will operate as there are significant differences between states and site-specific requirements contained in some certifications.



Additional Information

- Permit and select supporting documents available on our webpage:
www.epa.gov/npdes/vessels
- For general questions regarding the VGP, please contact commercialvesselpermit@epa.gov
- VGP webcast on February 5, 2009; go to:
www.epa.gov/npdes/training